UNITED STATES DISTRICT COURT EASTERN DISTRICT OF TENNESSEE at CHATTANOOGA

RORY B. HORN,)	
Plaintiff,)	
	ĺ	Case No. 1:12-cv-6
v.)	Judge Mattice
COMMISSIONER OF SOCIAL SECURITY,	Ú	Magistrate Judge Carter
Defendant.)	
)	

ORDER

On March 1, 2012, United States Magistrate Judge William B. Carter filed a Report and Recommendation (Doc. 5) pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b). Magistrate Judge Carter recommended that this action be dismissed without prejudice for failure to exhaust administrative remedies and that Plaintiff's application to proceed *in forma pauperis* be denied as moot.

Defendant has filed no objections to the Magistrate Judge's Report and Recommendation.¹ Nevertheless, the Court has reviewed the record and the Report and Recommendation, and it agrees with the Magistrate Judge's well-reasoned conclusions.

Accordingly, the Court **ACCEPTS** and **ADOPTS** Magistrate Judge Carter's Report and Recommendation (Doc. 5), findings of fact, and conclusions of law. This action is hereby **DISMISSED WITHOUT PREJUDICE**, and Plaintiff's application to proceed *in forma pauperis* (Doc. 1) is **DENIED AS MOOT**.

The Clerk of Court is **DIRECTED** to close this case.

¹ Magistrate Judge Carter specifically advised the parties that they had 14 days in which to object to the Report and Recommendation and that failure to do so would waive their right to appeal. (Doc. 5 at 3 n.1); see Fed. R. Civ. P. 72(b)(2); see also Thomas v. Arn, 474 U.S. 140, 148-51 (1985) (noting that "[i]t does not appear that Congress intended to require district court review of a magistrate's factual or legal conclusions, under a de novo or any other standard, when neither party objects to those findings").

SO ORDERED this 5th day of October, 2012.

/s/ Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE